IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.938 OF 2005
Along with
Civil Application no.1470 of 2005.

1. Maruti Bhimrao Shinde,
now deceased throughhis L.Rs. and ors Appellants.
Vs
Maruti Mahadu Chavan, .. Respondent.

Mr Amit Sale, for the appellants.

CORAM : D.B.BHOSALE,J.
DATED : 17th SEPT., 2007

P.C.:

1. Heard the learned counsel for the parties. By consent, taken up for admission.

2. This second appeal is directed against concurrent judgments of the courts below by which a suit filed by the respondent-plaintiff for removal of encroachment and possession of the encroached portion stands decreed. Both the courts below have concurrently held that the appellants have committed encroachment over the suit land to the extent of 8.1/2 Ares. The defence set up by the appellants that they have become owners by adverse possession, has also been negatived by the courts below. The impugned judgments of the courts below are based on the evidence and more particularly the evidence of DILR, which clearly shows that the appellants have encroached over the suit land. Considering that there are concurrent findings and as I

find sufficient material on record to sustain the findings, the second appeal does not deserve interference by this court. Hence the second appeal is dismissed. As a consequence thereof, the civil application for stay is disposed of.

(D.B.BHOSALE,J.)